Landlord
and
Tenant Board

Ontario

ANNUAL REPORT

2007 - 2008

Minister of Municipal Affairs and Housing

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Ontario

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Landlord and Tenant Board for the 2007-2008 fiscal year.

Respectfully submitted,

Hon. Jim Watson
Minister of Municipal Affairs and Housing

Landlord and Tenant Board

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Ontario

June 30, 2008

TO THE HONOURABLE JIM WATSON
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Landlord and Tenant Board Annual Report for the 2007-2008 fiscal year.

Respectfully submitted,

Dr. Lilian Ma
Chair
Landlord and Tenant Board

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Chair's Message

The Members and staff of the Landlord and Tenant Board (the LTB) have accomplished a great deal of work over the past year. This was our first full fiscal year implementing the *Residential Tenancies Act, 2006* (the RTA), proclaimed January 31, 2007.

The Board's mandate under the legislation is two-fold. We provide information to the public through the call centre, our Internet website as well as outreach activities to community groups. We also provide dispute resolution through mediation and adjudication.

While we have been very focused on administering the new law and monitoring its impact on our work, we have also made progress on a number of important initiatives to improve the quality and timeliness of our work. The LTB workload continues to be formidable.

Our call centre and website provide a valuable service to parties requesting information. They deal with a significant number of information requests. In many cases, the Board, by merely providing information to parties in a neutral manner, can help parties resolve their disputes without making an application to the Board.

On the other hand, the statistics in this report demonstrate our continued effective management of our business in dispute resolution. Despite changes brought in by the RTA, such as the elimination of the default process, resulting in more hearings and the statutory right of tenants to raise maintenance and other issues during eviction hearings, the Board was able to resolve disputes

Chair's Message

between landlords and tenant in an expedient manner without any backlog and to maintain the customary level of service.

Our success in meeting our mandate is due to the efforts of Members and staff working together closely as a team. I am grateful for the diligent efforts of Board Vice Chairs and Members for issuing decisions in keeping with the principles of timeliness, accessibility, fairness and customer focus. The Vice Chairs also play an important role in leading various committees and in the policy work they do for the Board. My acknowledgement and thanks go to Murray Graham, Eli Fellman, Régent Gagnon, Sean Henry, Guy Savoie and Jonelle van Delft.

I also extend my appreciation to administrative and legal staff - in particular, Diana Macri, Director of Operations, and Dianne Dougall, Director of Legal Services - for the high quality of service they provide in support of the Board's quasi-judicial mandate. I also wish to acknowledge the invaluable support of my Executive Assistant, Suzanne Evans, and my Administrative Assistant, Sue Woodland.

Finally, I wish to acknowledge the valuable feedback and input of stakeholders from the tenant and landlord communities. The on-going dialogue between the Board and these stakeholder representatives ensures that the views of both landlord and tenant groups are given the necessary attention as we develop our procedures, forms, Rules of Practice and Interpretation Guidelines.

Chair's Message

On behalf of the LTB, I look forward to continuing to provide these important services to the people of Ontario.

Sincerely,

Lilian Ma, Ph.D., LL.B.
Chair
Landlord and Tenant Board

The Year in Review

At the onset of the 2007-2008 fiscal year, the Landlord and Tenant Board had just started to implement the *Residential Tenancies Act, 2006* (the RTA), which was proclaimed on January 31, 2007. During the 2007-2008 fiscal year, the Board's primary objective was to effectively implement the RTA. To do so, we had to monitor the impact of the legislative changes brought about by the RTA and to make necessary adjustments in a timely manner to the Board's procedures and scheduling practices, as well as its rules and guidelines.

The Board has been largely successful in managing the 80,552 applications received during the 2007-2008 fiscal year, without any backlog, despite the increase in the number of applications sent to a hearing (due to the elimination of the default process) as well as the opportunity, under section 82 of the RTA, for tenants' rights issues to be raised during eviction hearings. The Board continuously monitors and, where appropriate, has adjusted its scheduling practices to ensure timely service to clients.

The Board has also strengthened the continuing professional development of Board Members and staff by instituting a professional development committee to oversee training needs and implementing a training program for Mediators.

In addition to the changes brought about by the RTA, the Board was also impacted - as were other Ontario tribunals - by the regulation of paralegals by the Law Society of Upper Canada (LSUC). Paralegals frequently represent parties in Board applications. As a result of the LSUC's new rules regulating paralegals, as of November 1, 2007, Board Members and Mediators have inquired concerning the status of persons who seek to act as representatives

for parties. Representatives may be asked whether they are licensed, unlicensed, have applied for a license and have a registration number, or, are exempt from the LSUC's regulations. The representative's status may have an impact on whether a hearing can proceed or if the representative will be permitted to appear before the Board.

On October 31, 2007, the Board began posting summaries of its selected decisions on the Board's website. These decisions were selected by the Board because they:

- interpret or explain an area of law;
- provide a clear analysis of a point of law;
- apply or distinguish decisions of a court of competent jurisdiction, including the Divisional Court;
- apply an Interpretation Guideline of the Board or provide clear reasons for not applying an Interpretation Guideline; and/or
- raise new or interesting issues.

Selected decisions are examples of the types of decisions the Board makes. These decisions are not binding on Members of the Board. Nor are they intended to reflect the official position of the Board on how to interpret or apply the RTA, the *Statutory Powers Procedure Act* (SPPA) or any other law.

The Year in Review

Posting selected decisions is in response to the public's request to have Board decisions available on the Board's website. In addition, the Board is moving towards the second phase of this initiative, namely to have redacted orders for contested hearings posted on our website in the next fiscal year. Pursuant to orders of the Information and Privacy Commissioner, posted Board orders must protect personal information.

In its Action Plan for 2007-2008, the Board included a new Human Rights Strategy to address the Board's obligations under the *Human Rights Code*. The work involved in implementing this strategy has begun and will continue to take shape in the next fiscal year. In conjunction with this new strategy, a committee was also formed to consider how the Board might better serve clients with mental health challenges. Furthermore, all Board Members and staff have taken training in a program called "How May I Help You?" offered online by the Accessibility Secretariat of Ontario.

In view of the Board's obligation and continued commitment to safeguard personally identifiable information contained in Board files, an interim Privacy Directive was issued to all Board Members, setting out best practices concerning the handling of paper files and electronic devices. All Board Members also participated in training on privacy, provided through the Office of the Information and Privacy Commissioner. The Privacy Directive is an interim step in the Board's action plan to develop an organizational Privacy Posture over the next fiscal year.

The Year in Review

This past year, we also said good-bye to two people who contributed significantly to the success of the Board. On March 31, 2008, Carol Kiley retired from her public service career. As Manager of Program Development, Carol was a key player in establishing stakeholder relations and in the development of the Board's procedures, forms and brochures as well as the rules and guidelines of the Board. On February 16, 2008, Vice Chair Charles Gascoyne left the Board. Mr. Gascoyne was a founding member of the Board's predecessor, the Ontario Rental Housing Tribunal, and he served as Vice Chair for five years.

Our Role

The Landlord and Tenant Board (the LTB) derives its mandate from the *Residential Tenancies Act, 2006* (the RTA). Section 1 of the RTA sets out the purposes of the Act, as follows:

- provide protection for residential tenants from unlawful rent increases and unlawful evictions;
- establish a framework for the regulation of residential rent;
- balance the rights and responsibilities of residential landlords and tenants; and,
- provide for the adjudication of disputes and for other processes to informally resolve disputes.

The mandate of the Board is two-fold. Firstly, the Board exercises a quasi-judicial function under subsection 168(2), which provides that the Board has jurisdiction to determine all applications under the RTA, and section 174, which provides the Board with the authority to hear and determine all questions of law and fact with respect to all matters within its jurisdiction under the Act. Second, pursuant to section 177 of the RTA, the Board is required to give information to landlords and tenant about their rights and obligations.

The Board strives to provide, pursuant to section 183 of the RTA, the most expeditious method of determining the questions arising in a proceeding and to

Our Role

provide parties an adequate opportunity to know the issues and to be heard on the matter. Thus the Board has adopted the following as its Mission Statement:

> The mission of the Landlord and Tenant Board is to inform landlords and tenants about their rights and responsibilities under the *Residential Tenancies Act* and provide balanced and timely dispute resolution in accordance with the law.

The Adjudication Process

The Board provides an informal environment for the resolution of disputes that can arise between landlords and tenants. The Board handles a large volume of cases, resulting from the high percentage of renters in Ontario (approximately 29% of Ontario's households[1]). The Board's application resolution process is designed to be efficient, while ensuring a high quality of services. The Board takes care in providing information to the public and issuing decisions on the matters that come before us.

Over the past year, on average, the length of time from the filing of an application to the scheduling of the initial hearing date for an L1 application[2] was 19.79 days; for a T2 application[3] was 27.07 days; and, for an L5 application[4] was 80.78 days. The average length of time from the date of the hearing to the issuance of an order was: on an L1 application, 1.71 days; on a T2 application, 5.46 days; and, on an L5 application, 13.82 days. These statistics on timelines generally correspond to the complexity of the application types.

When an application is filed with the Board, it will most likely result in a decision from a Board Member, also known as an adjudicator. Board Members are appointed by Order-in-Council. They are selected from a list of qualified candidates who have applied to the Public Appointments Secretariat. They undergo a rigorous and competitive interview and selection process, by the

[1] 2006 Census data obtained from Statistics Canada.
[2] L1 is an application to terminate the tenancy and evict the tenant for non-payment of rent and to collect arrears of rent
[3] T2 is a tenant rights application, dealing with such issues as harassment and interference with reasonable enjoyment of the rental unit
[4] L5 is an application for an above-guideline rent increase which often involve multiple tenants

The Adjudication Process

Chair, and the Chair will make an appointment recommendation to the Minister. Once Members are appointed to the Board, they receive legal and program-related training from the Board. The initial training period, which spans a number of weeks, incorporates classroom instruction, hearing room observation and mentoring. Member training, augmented by their previous experience and knowledge, prepares them to deal fairly and effectively with the issues that come before them. Most Members work full-time but there are some part-time Members. All Members report to the Chair of the Board, through a regional Vice Chair. They are located in different geographical areas of the province.

Members from across the province meet together once or twice a year for professional development. They also meet more frequently in their regions. Meetings of our Members also contain elements of training and may address any emerging issues, such as new case law or legislation that may have a direct impact on their decision-making. A minimum of four days are set aside each year for Members' continuing professional development. A professional development committee headed by a Vice Chair oversees ongoing educational opportunities for the Members.

Over the past fiscal year, two of the Board's Vice Chairs travelled to each regional office of the Board to conduct hands-on training sessions for all Members on the Board's new Written Reasons Policy. This policy was developed to assist Members in determining when written reasons for a decision or order must or should be given and how and in what form those written reasons should be given.

The Adjudication Process

The Board continues to monitor the quality of its decisions through an Order Quality Assurance Program. Although Board Members are independent decision makers, the Board has an interest in achieving consistency and coherence in decision making. Issues that are identified through the Quality Assistance Program, from discussions held at regional Members' meetings or through other sources, are often discussed first at "roundtables" of Vice Chairs. When there is consensus or a preferred position is reached with respect to an interpretation of the legislation, the matter may be referred to the Rules and Guidelines Committee for the development of a new or revised Rule or Guideline. Then, before new or proposed changes to the Rules and Guidelines are finalized, they are vetted through stakeholders prior to being released to the public and posted on the Board's website.

Many Board Members, including Vice Chairs, sit on committees and working groups such as the Rules and Guidelines Committee, the CaseLoad Order Group (to review the format of Board orders), the Selected Decisions Committee, the Adjudicative Best Practices Committee, the Capacity Committee and other groups that gather opinions on specific issues. Committee work is an important aspect of the work of the Board, as the Board seeks to identify and address important legal and procedural issues.

The Mediation Process

The Board employs 24 Mediators throughout the province to provide voluntary mediation services to parties involved in applications before the Board. An application can be resolved through adjudication, mediated agreement or a consent order.

In adjudication, the outcome is decided by a Board Member, within the limits of the provisions of the legislation, having regard to all the evidence and circumstances elicited at the hearing. In mediation, however, the parties voluntarily work with a Board Mediator to achieve a desired outcome for the parties, which may sometimes be outside the limits provided by the legislation. Disputes may be resolved through a mediated agreement signed by the parties, copies of which are not kept by the Board. Furthermore, parties having gone through mediation may come before a Board Member to obtain a consent order, which is enforceable under the RTA.

During the last fiscal year, the Board continued to respond to client needs and develop our professional and effective alternative dispute resolution service for landlord and tenant disputes.

An independent review of the mediation program was completed in November 2007 and the resulting recommendations are currently being addressed through the Mediation Project. The Mediation Project is focussing on meeting the Board's mandate to increase the number of applications resolved by mediation, through the development of the Mediators' skills and professionalism, increasing public awareness of the benefits of mediation and improving the public profile and perception of the mediation program.

The Mediation Process

The Mediation Project will continue to make improvements to the program during the 2008-2009 fiscal year. We anticipate the creation of a senior Mediator position at Head Office to be responsible for overseeing the management and performance of the Mediators at a provincial level, establishing a preferred mediation model, developing protocols and developing mediator performance measures and standards. Standardized mediation statistical reporting is also being reviewed and additional measures are being developed to quantify and qualify the impact and value mediation can, and does have, on the effectiveness of the Board.

During the 2007-2008 fiscal year, approximately 45% of all applications where both parties showed up at the hearing were successfully resolved through mediated agreements and/or resulted in consent orders. Mediation continues to be an important and effective non-adversarial method of resolving disputes, helping to save tenancies and reduce social costs, while strengthening the relationships between landlords and tenants.

Office & Hearing Locations

The Board strives to make its services accessible to Ontarians across the province. There are eight Regional Board Offices where landlords and tenants can file applications and obtain information from one of the Board's customer service representatives about their rights and obligations under the law.

Most hearings are held in these eight Regional Offices located in:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown area)
- Toronto North (North York area)
- Toronto East (Scarborough area)
- Ottawa
- Sudbury

In addition, there are 33 "off-site" hearing locations to which our Members and Mediators travel for hearings on a regular basis. These are: Barrie, Belleville, Bracebridge, Brantford, Brockville, Burlington, Chatham, Cobourg, Cornwall, Goderich, Guelph, Hawkesbury, Kingston, Kitchener, Lindsay, Newmarket, North Bay, Orangeville, Owen Sound, Pembroke, Perth, Peterborough, Port Elgin, Sarnia, Sault Ste. Marie, Simcoe, St. Catharines, St. Thomas, Stratford, Thunder Bay, Whitby, Windsor and Woodstock.

There are also a number of locations, particularly in the northern parts of the province, where the Board holds hearings by video-conference and teleconference.

Office & Hearing Locations

The Board has also partnered with ServiceOntario in approximately 60 locations across the province, to receive applications on behalf of the Board. A list of the addresses of these ServiceOntario Centres is found on the Board's website at www.LTB.gov.on.ca.

Customer Service

Section 177 of the RTA includes a mandate for the Board to provide information to landlords and tenants about their rights and obligations under the legislation. In fulfilling this mandate, the Board's virtual Call Centre handles customer inquiries, in both English and French, through toll free lines. In the Greater Toronto Area, the phone number is 416.645.8080; outside Toronto the number is 1.888.332.3234. Customer service representatives are available during regular business hours. An automated telephone service answers frequently asked questions 24 hours a day, 7 days a week. This year, the Board responded to approximately 400,000 telephone calls.

Landlords and tenants can sometimes resolve their disputes once they have been informed about the law. Also, if a landlord or tenant has filed an application with us, they can inquire about the status of their case via the telephone.

E-government

The Board's website, www.LTB.gov.on.ca, is visited more than one million times each month. All Board forms and brochures, the Rules of Practice, Interpretation Guidelines and the Board's complaint procedures are available on the website, in both English and French. Also available on our website is a *Guide to the Residential Tenancies Act* in multiple languages. This Guide is available in Arabic, Chinese, Farsi (Persian), Korean, Punjabi, Russian, Spanish, Tamil, Urdu and Vietnamese[5], as well as in English and French. Apart from this Guide, there are 30 brochures posted on the website providing information on all major aspects of the RTA and the Board's services. Topics include the rent increase guideline, care homes, how to file an application, ending a tenancy, illegal lockouts, Board fees, information about a hearing and information for new tenants. Clients can also find information about the progress of their application, the date of their hearing and whether an order has been issued.

The Board is developing a new case management system employing Siebel software which is expected to be implemented later this year. This will allow us to move to a workflow model that ensures a smooth and effective work environment. The current Evans Caseload system continues to serve our needs. Working on the new case management system has placed a heavy demand on our administrative resources this fiscal year. We are also working on an initiative to redact orders so that they can be posted on the Board's website while protecting individual privacy. In addition, we started to overhaul our existing forms, which are posted on the website.

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[5] These are the eight most spoken languages in Ontario according to 2001 Census data obtained from Statistics Canada.

French Language Services

The Board provides service to the public in both official languages in accordance with the *French Language Services Act* (the FLSA). All offices in areas designated by the FLSA have bilingual staff available to assist our French-speaking clients. The Board's policy concerning the provision of French language services is set out in its Rules of Practice.

Where a party is entitled to and has requested French language service, the Board attempts to schedule a French-speaking Member to hear the case. Where this is not possible within a reasonable period of time, the Board will schedule the matter before an English-speaking Member and will ensure that an interpreter is present.

About 10% of our Board Members can conduct hearings in French, and 8% of our Mediators can provide mediation service in French.

All correspondence and decisions of the Board are provided in French to a party who has requested and is entitled to French language services.

Budget and Revenues

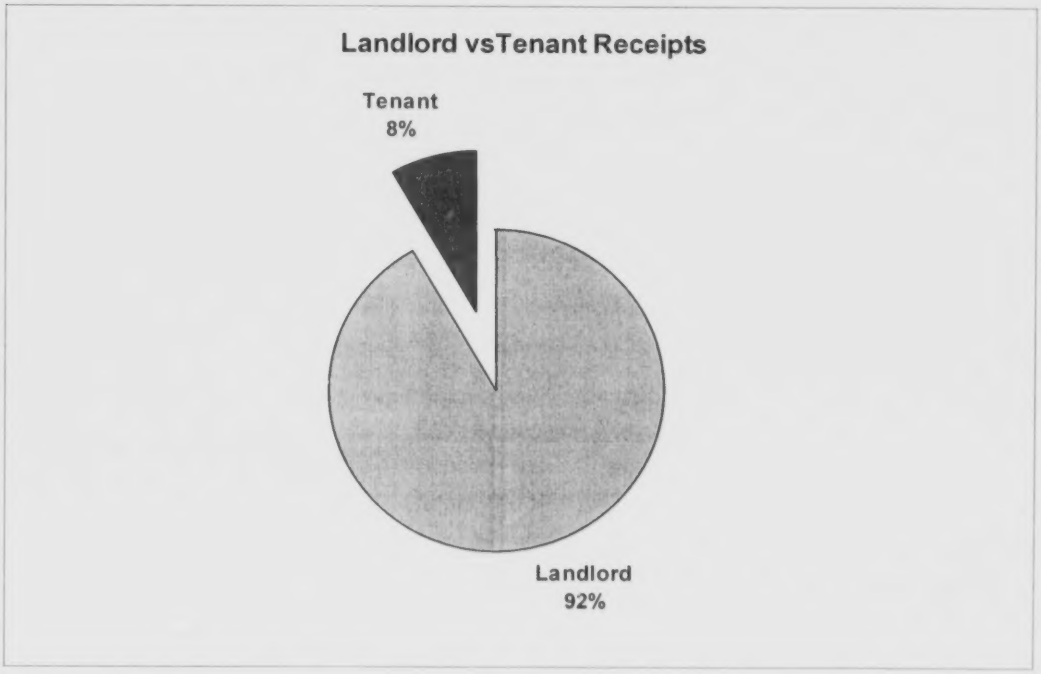
The budget expenditures for the Board for 2007-2008 were $24.9M. Of this, $19.3M was for salaries, wages and benefits and the remaining $5.5M can be attributed to other direct operating expenses. The Board brings in over $10M in revenue.

In late 2007, at the request of the Deputy Minister, the consulting group KPMG conducted an Administrative Review of the Board. The emphasis of the Review was on management processes, structure, governance and accountabilities in order to identify long term efficiencies and opportunities for savings.

Statistical Information: Application Receipts

From April 1, 2007 to March 31, 2008, the Board received 80,552 applications under the RTA.

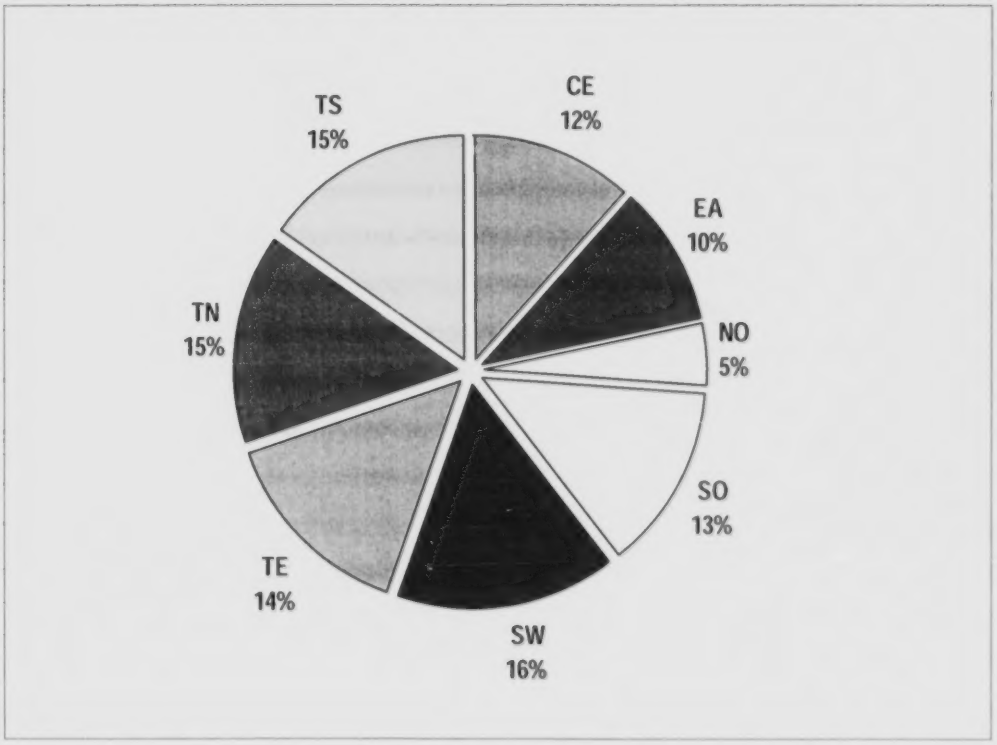
The distribution of application receipts remained relatively constant from 2001 to 2007, with 91% filed by landlords and 9% filed by tenants. As illustrated below, statistics concerning the 2007-2008 fiscal year have showed a very slight decrease in the number of applications filed by tenants. This slight decrease may be due to section 82 of the RTA which allows a tenant to raise issues in response to the landlord's application, without having to file their own application.



Regional Distribution of Applications

The regional distribution of applications filed under the RTA is as follows:

REGIONAL DISTRIBUTION OF APPLICATIONS



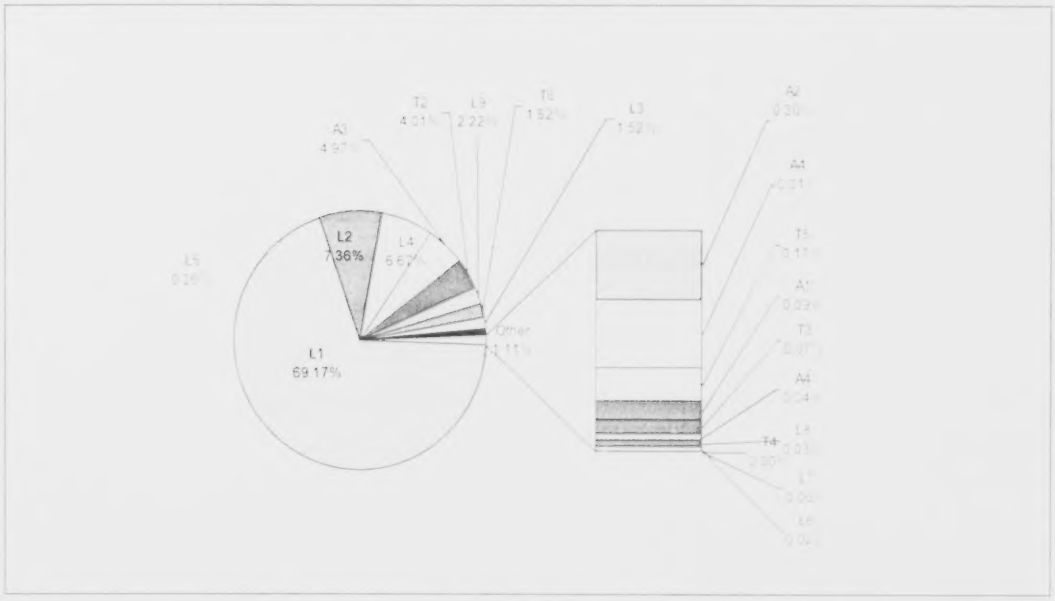
CE refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwest; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

Applications by Type

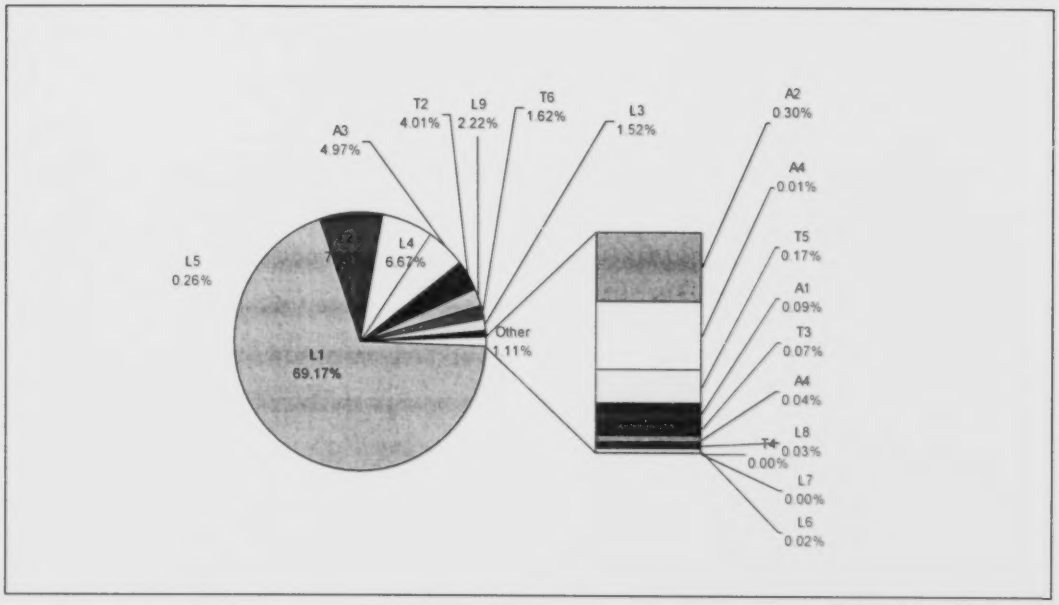
Eviction applications represent the bulk of the Board's workload, just as they were for the previous nine years under the Ontario Rental Housing Tribunal (the ORHT). Of the total applications received by the Board, 69% were for termination of tenancies because of arrears of rent. The following charts show the distribution of the Board's workload, by type of application for the 2007-2008 fiscal year.

Case type	Application description	# of Cases
L1	Terminate & Evict for Non-Payment of Rent	55,719
L2	Terminate for other reasons & Evict	6,441
L4	Terminate the Tenancy: Failed Settlement	5,374
A3	Combined Application	4,005
T2	Tenant Rights	3,228
L9	Application to Collect Rent	1,790
T6	Maintenance	1,302
L3	Termination Tenant gave Notice or Agreed	1,225
T1	Rent Rebate (e.g. illegal rent)	574
A2	Sublet or Assignment	285
L5	Rent Increase above the Guideline	274
T5	Bad faith Notice of Termination	133
A1	Determine whether the Act Applies	75
T3	Rent Reduction	54
A4	Vary Rent Reduction Amount	29
L8	Tenant Changed Locks	24
L6	Review of Provincial Work Order	20
L7	Transfer Tenant to Care Home	0
T4	Failed Rent Increase above Guideline	0
		80,552

Applications by Type



Applications by Type



Applications by Type

The Board's last annual report covered the period April 1, 2006 to March 31, 2007. We reported, at that time, on the total number of applications received under the RTA, from January 31, 2007 to March 31, 2007, but we did not show the distribution by application type, as the focus of last year's report was on the TPA. The following table shows the distribution of those RTA applications between January 31 and March 31, 2007:

Case type	Application description	# of Cases
L1	Terminate & Evict for Non-Payment of Rent	8607
L2	Terminate for other reasons & Evict	838
L4	Terminate the Tenancy: Failed Settlement	595
T2	Tenant Rights	545
A3	Combined Application (L or T)	511
L9	Application to Collect Rent	242
T6	Maintenance	199
L3	Termination: Tenant gave Notice or Agreed	151
T1	Rent Rebate (e.g. illegal rent)	88
A4	Vary Rent Reduction Amount	87
A2	Sublet or Assignment	32
L5	Rent Increase above the Guideline	23
A1	Determine whether the Act Applies	12
T5	Bad faith Notice of Termination	10
T3	Rent Reduction	8
L8	Tenant Changed Locks	5
L7	Transfer Tenant to Care Home	1
L6	Review of Provincial. Work Order	0
T4	Failed Rent Increase above Guideline	0
		11,954[6]

[6] In last year's annual report, we showed a total of 11,578 applications received from January 31, 2007 to March 31, 2007; we have since verified the total to be 11,954.

Applications by Type (TPA)

TPA APPLICATIONS

During the 2007-2008 fiscal year, in addition to our RTA workload, the Board also resolved applications that had been filed under the TPA, but remained unresolved on January 31, 2007 when the RTA was proclaimed. These applications were resolved pursuant to the TPA, but with regard to certain transitional rules brought in by the RTA. For example, a default order could not be issued on a TPA application if it was not resolved by January 31, 2007. Also, a Member hearing a TPA eviction application was now required to review all the circumstances of the application and to always consider delaying or refusing to grant a tenant's eviction. The following table shows the distribution of these TPA applications:

Case type	Application description	# of Cases
L1	Terminate & Evict for Non-Payment of Rent	435
A4	Vary Rent Reduction Amount	213
T2	Tenant Rights	165
A3	Combined Application (L or T)	134
L5	Rent Increase above the Guideline	122
L2	Terminate & Evict for other reasons	114
T6	Maintenance	80
L4	Terminate the Tenancy: Failed Settlement	23
T3	Rent Reduction	7
A2	Sublet or Assignment	5
L3	Termination: Tenant gave Notice or Agreed	4
T1	Rent Rebate (e.g. illegal rent)	4
T5	Bad faith Notice of Termination	4
A1	Determine whether the Act Applies	2
L8	Tenant Changed Locks	1
L6	Review of Provincial. Work Order	1
L7	Transfer Tenant to Care Home	0
T4	Failed Rent Increase above Guideline	0
		1314

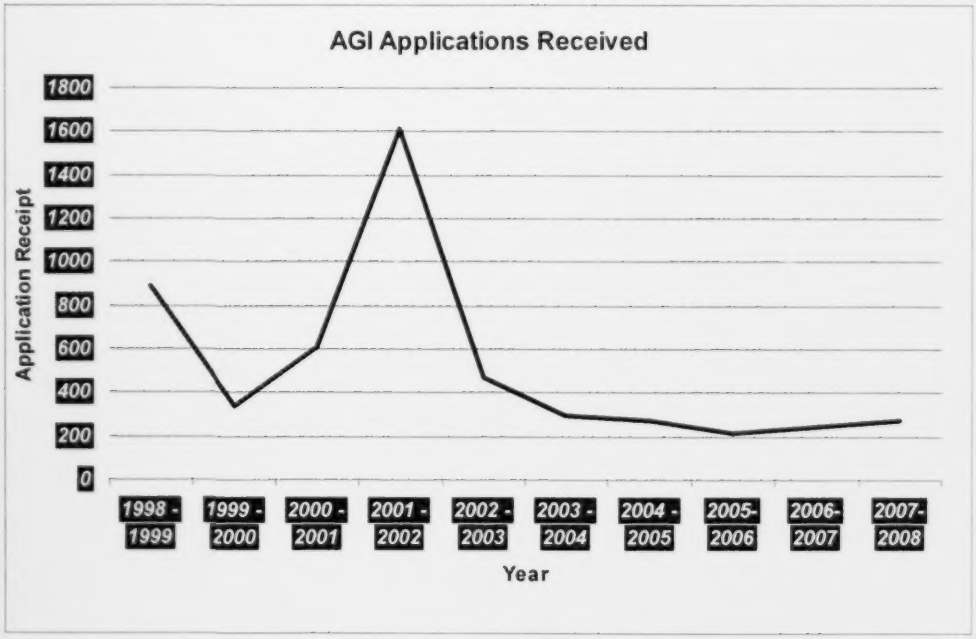
Applications by Type (TPA)

As of March 31, 2008, the Board still had 125 TPA applications awaiting resolution. It is important to note that this number may increase slightly as a party to a TPA application may, for example, still file a request to review an order and this would be added to our TPA workload.

Above Guideline Rent Increase Applications

As the table below demonstrates, the number of applications for rent increase above the guideline has been decreasing since 2001. This past year showed a very slight increase over last year, with 274 applications of this type received by the Board, compared to 242 for the 2006-2007 fiscal year.

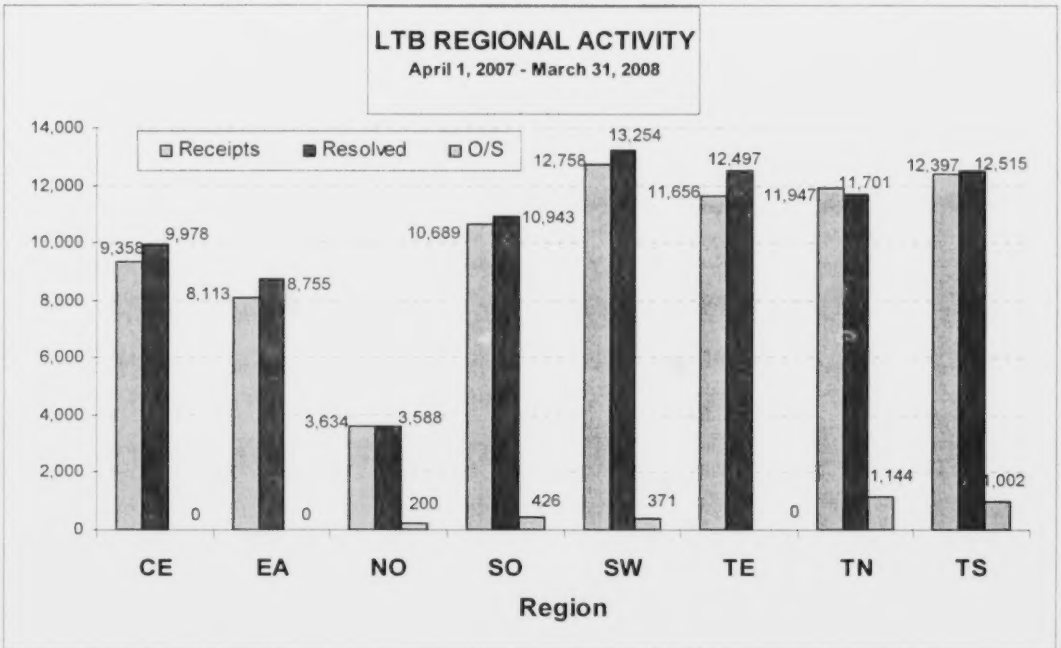
While the number of above guideline rent increase applications make up less than 1% of all applications received, these applications account for 21% of the Tribunal's file preparation and hearing time for staff and Members. Mediation continues to help manage the workload for these applications, and we continue to look for other ways to increase our efficiency and speed up the resolution process.



Application Resolution

Over the past year, the Board has maintained only one month's receipts as open files. Most orders are issued within 20 days of the receipt of the application and even more complex orders are usually issued within 30 days. This year, 2,750 RTA applications remained unresolved as of March 31, 2007.

In total, for the fiscal year 2007-2008, we received 80,552 applications and resolved 83,231 applications. (Some applications may generate more than one resolution because of the re-opening and review processes.) The following chart shows RTA receipts and resolutions from April 1, 2007 to March 31, 2008:



CE refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwest; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South

Reviews & Appeals

A party to an application may ask for a review of a Board order if they believe that the order contains a serious error or that a serious error occurred in the proceedings, including where a party was not reasonably able to participate in the proceeding. The authority for requesting a review comes from section 21.2 of the SPPA, subsection 209(2) of the RTA, and Rule 29 of the Board's Rules of Practice. The Rules also allow a Vice Chair of the Board to initiate a review.

Reviews are decided by a Member other than the Member who heard the application. Upon receipt of a review request, a Member conducts a preliminary review, without holding a hearing, to determine whether or not the order may contain a serious error or a serious error may have occurred in the proceedings. Where the Member determines that there is a possibility of a serious error affecting the result of the case, a review hearing will be held. Otherwise, the Member will dismiss the request for review.

Over the 2007-2008 fiscal year, the Board received 668 requests for review.

Section 210 of the RTA also provides that any person affected by a Board order may appeal the order to the Divisional Court within 30 days after being given the order, but only on a question of law.

Over the 2007-2008 fiscal year, 151 Notices of Appeal of Board orders were received by the Board.

Sample Order Summaries

TEL-07722 – *s. 66 – termination for cause, act seriously impairs safety- s. 83, relief from eviction*

The residential complex was a rooming house and the Tenant carried on an illegal tattooing business from his rental unit. In the conduct of that business, the Tenant did not comply with the minimum operational and equipment requirements for personal service providers, including tattoo studios. The Member found that the Tenant's failure to meet health department standards for proper infection control placed clients, other tenants and guests at serious risk of harm. The Member also found that the Tenant's assurances that he had stopped all tattooing activity only went to the issue of granting discretionary relief from eviction, and, in this case, the evidence was that the Tenant had continued that activity. The Member did not grant relief from eviction.

TSL-07526 – *s. 59 – arrears of rent - s. 111 – lawful rent – duress, undue influence*

The Tenant and the Landlord had entered into a signed lease agreement that provided that the monthly rent for the rental unit was $500.00 while the Tenant was employed by the Landlord and $1325.00 if the Tenant ceased to be employed by the Landlord. Under the Landlord's policies, the Tenant did not qualify financially to rent a unit with a monthly rent of $1,325.00.

The Landlord had demanded that the Tenant provide the Landlord with the signed lease before the Landlord would meet with the Tenant. The Tenant provided the signed lease and, having done so, the Tenant met with the President of the Landlord. One week after the meeting, the Tenant's

employment was terminated by the Landlord. Approximately, six months later the Tenant vacated the rental unit.

The Member, in finding that the lawful rent was $500.00 and that the tenancy terminated on the date that the Tenant vacated the rental unit, considered and applied the common law relating to rescission of a contract on the basis of duress and undue influence. The Member found that the Landlord exercised duress and undue influence on the Tenant by making the signing of the lease a condition precedent for the meeting and withholding material information from the Tenant relating to the Landlord's financial requirements for a lease at the higher amount and that the Tenant's employment with the Landlord was at risk at the time the lease was signed.

SOT-00248-IN(2) – *s. 22, reasonable interference – s. 21(1), vital service*

The Tenants applied for an order determining that the Landlords substantially interfered with the reasonable enjoyment of the Tenants and withheld or deliberately interfered with the reasonable supply of a vital service.

At an emergency hearing held to determine whether the Landlords complied with a prior interim order in this matter, the Member found that the Landlords breached the provisions of that order by: imposing conditions on the utility company when it attended the unit to enforce the vital services bylaw; failing to reinstate the utility; and failing to provide a power unit for the Tenants' Continuous Positive Airway Pressure (CPAP) machine in a reasonably timely way.

Sample Order Summaries

The Member issued an interim order requiring the Landlords to provide the utility company and the municipality unrestricted access to the unit and complex for the purpose of restoring the power to the unit and enforcing the vital services bylaw; that the Tenants may terminate the tenancy on 48 hours written notice within 60 days of the order; the suspension of rent during the period of non-compliance; the Landlords to ensure that power is continuously supplied to the Tenants' CPAP machine; the Landlords to pay to the Board a daily administrative fine of $500.00 until the Landlords restore power to the unit or until the Tenants vacate the unit.

CEL-02248 – *s.49 (3), notice, purchaser personally requires unit – period of notice.*

The Landlord, a mortgagee in possession, applied for an order terminating the tenancy and evicting the Tenant because the Landlord had entered into an agreement of purchase and sale of the rental unit and the purchaser required possession of the unit for the purpose of residential occupation.

The Landlord used the Board-approved Notice to terminate the tenancy form, however that form did not contain specific reference to the fact that, if the Tenant vacated the rental unit by the termination date, the tenancy would end on that date. The form in question has since been replaced by the Board. The Member found that the old form of notice substantially complied with section 43 of the *RTA* because it: (1) effectively informed the Tenant that, if the Tenant vacated the rental unit in accordance with the Notice, the tenancy terminated on the date on which it was to terminate; and (2) informed the

Sample Order Summaries

Tenant that, if the Landlord applied for an order from the Board, the Tenant was entitled to dispute the application.

The Notice to terminate the tenancy, which was served on April 30, 2007, specified a termination date of June 30, 2007. The Tenants submitted that they had a valid written lease providing for a one-year fixed tenancy for the period of December 1, 2006 up to and including December 1, 2007. The Landlord submitted that the written tenancy agreement was fraudulently entered into and should be ignored, resulting in a monthly tenancy.

The Member considered the conflict between subsection 53 (4) of the *Mortgages Act* (termination date to be sixty days from date the Notice is served regardless of a fixed term tenancy agreement) and subsection 49 (3) of the *RTA*. The Member found that pursuant to subsection 3 (4) of the *RTA*, the *RTA* prevails. Accordingly, there was a fixed term tenancy and, because the termination date on the Notice was not at the end of the term, the Notice was void.

Sample Order Summaries

SOL-02104 – *s. 59 arrears – work done by Tenant and loans and advances to Tenant – s. 2 (1) elements constituting "rent"*

The Landlord applied for an order terminating the tenancy because the Tenant did not pay the rent owing.

During the tenancy, the Landlord had hired the Tenant to do maintenance work and drywalling at the residential complex and had advanced money to the Tenant for the purchase by the Tenant of tools and other supplies.

The Landlord argued that the Tenant's work should be viewed independently from the tenancy agreement and that the "loans and advances" from the Landlord to the Tenant should be considered as arrears of rent.

The Member found that the work became an integral part of the tenancy agreement and that the definition of "rent" in the *RTA* permitted the Board to determine that the work was consideration paid by the tenant. The Member also found that the "loans and advances" did not meet the definition of "rent" in the *RTA*, and therefore, could not be used in the computation of the arrears of rent.

Sample Order Summaries

TEL-03366-RV – *s. 3 (4) RTA – RTA to prevail over other Act; s. 49 (3) RTA – s. 49 (3) period of notice where purchaser requires unit; s. 48 (1) Mortgages Act – possession of rental unit obtained only in accordance with the RTA; s. 49 (3)*

The Tenant had entered into a lease for a term of five years with the former Landlord and the mortgagee in possession sought to terminate the tenancy on the basis that the purchaser required possession.

The mortgagee in possession submitted that the Board should not rely on the decision of the Ontario Court of Appeal in *Canada Trustco Mortgage Co.* v. *Park* as that case had been decided under the provisions of the *TPA*. The Member found that *Canada Trustco* applies as the *RTA* provision is the same as that in the *TPA*.

In denying the Landlord's request to review the hearing order, the Member found that the provisions of the *RTA* prevail over the conflicting sections of the *Mortgages Act*.

In this case, the Notice of termination did not meet the requirements of the *RTA* as the Notice did not specify a termination date that was the last day of the term of the tenancy.

Sample Order Summaries

SOT-00660 – *s. 22, Landlord not to interfere with reasonable enjoyment – O. Reg. 516/06, s. 8, reasonable enjoyment during repairs –Notice to be given*

Repairs at the residential complex involved the ongoing use of jackhammers between the hours of 8:00 a.m. and 5:00 p.m. The Member found that the work was necessary, and, therefore, reasonable.

The Tenant had vacated the unit having given the Landlord eight days notice and the Landlord rented the unit to another tenant three weeks after the Tenant had vacated. The Tenant had paid the rent for the period after she had vacated to the date the rental unit was rented to the other tenant.

The Member found that the Landlord gave the Tenant only five days' notice of the repairs and not the 60 days' notice required by subsection 8 (4) of O. Reg. 516/06.

The Member dismissed the Tenant's claim for increased rent as the Tenant failed to provide evidence to support her claim relating to the rent of a two-bedroom apartment in her new building. The Member dismissed the Tenant's claim for moving costs as the Tenant had moved on very short notice and did not provide sufficient evidence of the moving costs allegedly incurred.

The Member found that, while the Tenant did not give proper notice to terminate the tenancy, the Landlord also did not give proper notice of the repairs. The Member allowed the Tenant's claim for termination of the tenancy, ordered an abatement of rent for the three weeks' rent paid after the

Sample Order Summaries

Tenant had vacated the rental unit, but dismissed the Tenant's claim for a further abatement of rent of 25% as the work done was done in a reasonable manner.

SOT-00795 – *Human Rights Code – disability – duty to accommodate, Statutory Powers Procedure Act – s. 23 – exclusion of representatives – eligibility of paralegal*

The Tenant's representative had not filed a completed application for licensing as a paralegal with the Law Society of Upper Canada by the last date for doing so, October 31, 2007, and, was not exempt from licensing. The Member excluded the representative.

The Tenant had a disability, Multiple Sclerosis (MS), and used a scooter. It was difficult for the Tenant to access the rental unit in the absence of a device being provided by the Landlord that would facilitate the Tenant's ability to go through the door to the rental unit. The Member found that the poor access to the rental unit resulted in a restriction on the Tenant as a result of a disability.

The Member found that the Landlord had a duty to accommodate the needs of the Tenant, to the point of undue hardship. However, that obligation did not require the Landlord to provide automatic access to the rental unit; a less expensive option such as a door stop, wedge or similar device to hold the door open would be sufficient to satisfy the Landlord's duty to accommodate the Tenant in this case.

Sample Order Summaries

SWT-00135 – *s. 2 – definitions - s. 3 – application of RTA - s. 5 – exemptions from RTA*

The complex was a membership-owned four-season campground. A non-profit corporation owned the land and the members (who paid dues) owned what was on their site. The Member reviewed the corporation's letters patent and by-laws in detail with respect to determining the nature of the relationship existing between the members of the corporation and the corporation.

The Member considered the application in the context of section 202 of the *RTA* (real substance of all transactions) and found that the relationship between the members of the corporation and the corporation was similar to that of a shareholder in a share capital corporation with the exception that the members do not benefit financially from the relationship. The Member found that there was no landlord-tenant relationship between the parties because the main purpose and activity of the corporation was to provide recreational facilities, not residential premises, to the members.

As there was no landlord-tenant relationship, the Board did not have jurisdiction and the Tenant's application was dismissed.

Sample Order Summaries

TEL-06892 – *s. 93, termination of tenancy, superintendent's premises – s. 2 (1) definition of "superintendent's premises" – s. 202, real substance of all transactions and activities*

The residential complex consisted of a house and a barn. The Tenant had sold the residential complex to the Landlord and the parties had entered into a tenancy agreement entitled, "superintendent's tenancy agreement". The Landlord advised the Tenant that the Tenant's employment was terminated and the Landlord applied for an order terminating the tenancy and evicting the Tenant.

The Member, in dismissing the Landlord's application, examined the true substance of the agreement entered into by the parties and found that there was no indication of employment in this case; instead, the tenancy agreement attempted to circumvent the operation of the *RTA* by naming the Tenant a "superintendent" as a matter of convenience.

Sample Order Summaries

TEL-09610 – *s. 2 (1) – definition of "tenant" - "co-ownership" - s. 202 – real substance of all transactions*

The Applicant applied for a Board order with respect to alleged arrears of rent and persistent late payment of rent. The Respondent submitted that the Board did not have jurisdiction to consider the application as the residential complex was co-owned by the Landlord and Tenant pursuant to a trust agreement.

Title to the property was registered in the Applicant's name and after the purchase of the property the parties had entered into a trust agreement that provided for co-ownership of the property and the manner in which mortgage and utility payments would be made. After default by the Respondent in the payment of mortgage and utility arrears, the parties signed a "temporary" lease agreement in order to "protect everyone's interests".

The Member, in finding that the Board did not have jurisdiction, considered the definition of "tenant" in subsection 2 (1) of the *RTA* which precludes a co-owner of the residential complex from being a "tenant". The Member also applied section 202 of the *RTA* and found that, particularly in the absence of a modification or revocation of the trust agreement, the lease agreement was in essence an accounting vehicle for the future potential purchase of the property by the Respondent and not a tenancy agreement for residential premises.

Sample Order Summaries

TNL-06006-SA – *s. 74 (11) – non payment of rent, payment after order becomes enforceable.*

The Tenants filed a motion to set aside an eviction order and submitted that they had paid all outstanding amounts to the Landlord after the eviction order was enforceable but before it was executed.

The Member found that at the time the Tenants' affidavit was sworn stating that payment had been made; no payment had actually been made by the Tenants. In addition, a cheque subsequently delivered to the Landlord on behalf of the Tenants was a personal cheque, was not certified and had not cleared the bank as of the date of the motion. The Member, in dismissing the motion, found that it was incumbent on the Tenants, in attempting to void the eviction order, to ensure that payment was actually made.

Sample Order Summaries

TSL-06975-RV – *s. 37 (2) – termination of tenancy by notice, s. 45 – notice of termination, non-waiver by payment of arrears of rent – s. 106 – rent deposit*

The Tenant had given the Landlord a Notice of Termination to be effective on September 30, 2007. The Tenant had not vacated the rental unit and the Landlord obtained a Board order terminating the tenancy as of October 14, 2007. The Tenant motioned to set the order aside on the basis that the Landlord had accepted rent in November, 2007 for November, 2007, and, in so doing, had waived the Notice of Termination.

The Member considered that subsection 106 (1) of the *RTA* was determinative of the issue. A rent deposit is to be applied for the last rent period before the tenancy terminates. In this case, the tenancy did not terminate on the date specified in the notice (September 30, 2007), and the Board's order had the effect of terminating the tenancy on October 14, 2007. The rent the Landlord accepted in November was correctly applied to the rent for October, 2007.

The Member found that the rent the Landlord had accepted was, therefore, for arrears of rent and not for future rent.

Sample Order Summaries

TST-01025 – *s. 74(2) – discontinuance of application, s. 134 – additional charges prohibited, O. Reg. 516/06, section 17, paragraph 6 – payments exempt from s. 134 of the RTA, s. 135 – money collected or retained illegally, s. 106 – interest on rent deposit – transition provisions*

The Tenants raised a preliminary issue relating to their contention that the Landlord had charged the Tenants illegal rent in the form of filing fees related to two previous applications by the Landlord for arrears of rent. The Member found that the payment of the filing fees by the Tenants was in settlement of the two applications before the Board which resulted in the discontinuance of the Landlord's applications against the Tenants. The Member found that such payments were exempt from section 134 of the *RTA* by virtue of paragraph 6 of section 17 of O. Reg. 516/06 made under the *RTA*.

The Tenants also submitted that the Landlord had failed to pay interest to them on the last month's rent deposit as required by the *RTA*. The Landlord had paid interest on the rent deposit in 2006, but, not in 2007. The Member found that, pursuant to subsection 106 (7) of the *RTA*, the Landlord was entitled to allocate a portion of the interest due to the deposit to top up the deposit so that the deposit continues to equal the monthly rent, however, in this case, the amount of interest required to top up the deposit was less than the total interest owing by the Landlord.

The Member also reviewed the application of subsection 106 (8) of the *RTA* to situations where interest is owing for a period that spans the operation of both the *TPA* (6% per annum) and the *RTA (*guideline increase - section 120 of the *RTA*).

Sample Order Summaries

SOL-01945 – *s.69 arrears – s.62 damage to unit – res judicata – s.83 relief from eviction*

The Landlord applied to terminate the tenancy because the Tenant did not pay the rent that the Tenant owes for March, April and May 2007 and because the Tenant wilfully or negligently caused undue damage by spreading top soil next to the house which prevents run-off water from flowing away from the house.

While the Tenant did claim that she had paid her rent for these months by leaving money orders in the Landlord's mailbox, the Member did not find that claim credible. The Tenant could not tell, even at the hearing, whether the money orders had been cashed. It is also not plausible that the Tenant would have left the May 2007 rent in the Landlord's unlocked mailbox while she also claimed to be aware of the Landlord's denial of receiving the March and April 2007 rent. Nevertheless, after considering all circumstances, such as the length of the tenancy and the Tenant's economic situation, the Member exercised her discretion under s. 83(2) of the RTA to delay eviction by three weeks.

With respect to the damage claim, the Member determined that this matter had been adjudicated upon at a prior hearing. The Landlord attempted to distinguish the present application from the previous application because, at the prior hearing, the full extent of the damage was not known. The Member relied on the principle of *res judicata* to deny the damage claim. While the Landlord may have pre-maturely raised the issue in the prior proceeding, having done so, he cannot be allowed "another kick at the can" in the present application.

Chair - Dr. Lilian Ma

Dr. Lilian Ma, B.Sc., Ph.D., LL.B.

Dr. Lilian Ma joined the ORHT[7]/LTB as the Chair and CEO in June 2005. She has extensive experience in the public sector and was a member of the Refugee Protection Division of the Immigration and Refugee Board of Canada, the Liquor Licence Board of Ontario, the Ontario Human Rights Commission and the Drug Quality and Therapeutics Committee in Ontario. She also worked as Chief of the Public Education Division of the Race Relations Directorate of Multiculturalism Canada.

Dr. Ma earned a law degree from the University of Toronto, a Doctorate in chemistry from Simon Fraser University, and a Bachelor of Science degree from the University of Hong Kong.

Dr. Ma is a member of the Law Society of Upper Canada and the Canadian Bar Association and sat on its Racial Equality Implementation Committee from 2000 to 2004. She sits on the Board of Directors of the Canadian Council of Administrative Tribunals and the Society of Ontario Adjudicators and Regulators. Prior to joining full time public service, she was an active volunteer in the ethno-cultural community and sat on a number of boards.

[7] The Ontario Rental Housing Tribunal became the Landlord and Tenant Board on January 31, 2007 with the proclamation of the *Residential Tenancies Act, 2006*.

Vice Chairs

Eli Fellman

Eli Fellman has an Honours degree in Political Science from Trent University, pursued graduate studies at Carleton University and attained a Bachelor of Laws degree at the University of Ottawa. Prior to his appointment to the ORHT/LTB as a Member, he was a policy analyst at the federal Department of International Trade in Ottawa. Subsequent to his call to the Ontario bar in 2002, he practiced international trade and customs law in Toronto. Mr. Fellman joined the ORHT/LTB as a Member on December 15, 2004 and was appointed as Vice Chair on December 15, 2005.

Régent Gagnon

Régent Gagnon graduated from Le Moyne College in Syracuse, N.Y. with a Bachelor of Science in Humanities. He worked in public and private sector organizations in all facets of Human Resources Management and then he founded his own HR consulting firm. As a recognized expert in HR, Mr. Gagnon was invited to teach HR courses at Carleton and Ryerson Universities. Prior to his appointment to the ORHT/LTB, Mr. Gagnon served as a part-time member of the Assessment Review Board for six years. In addition, he was a member of the Planning Advisory Committee for Clarence Township and of the Board of Directors of the Ottawa Personnel Association and the Big Sisters of Ottawa-Carleton. Mr. Gagnon joined the ORHT/LTB as a Member on July 5, 2004 and was appointed Vice Chair on September 1, 2005.

Vice Chairs

Charles Gascoyne *(expired February 16, 2008)*

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree and a Bachelor of Laws degree. Mr. Gascoyne has been active in the Essex Law Association and a number of other local community groups. Mr. Gascoyne joined the ORHT/LTB as a Member on June 17, 1998, was appointed Vice Chair on February 17, 2003.

Murray Wm. Graham

Murray Wm. Graham graduated from York University with a Bachelor of Arts degree and from Osgoode Hall Law School with a Bachelor of Laws degree. After his call to the Ontario Bar, he practised law in the City of Toronto. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries. Mr. Graham joined the ORHT/LTB in 1998 as a Member and was appointed Vice Chair on December 7, 2005.

Sean Henry

Sean Henry graduated from the University of Toronto with a Bachelor of Arts degree, from York University with a Masters in Business Administration and from Queen's University with a Bachelor of Laws degree. Mr. Henry carried on a criminal and family law practice before becoming a member with the Social Benefits Tribunal. He then worked as a senior policy analyst with the OMERS Pension Plan and after that as a policy advisor of the Ministry of Municipal Affairs and Housing. Mr. Henry joined the ORHT/LTB on March 31, 2004 as a Member and was appointed Vice Chair on December 13, 2006.

Vice Chairs

Guy Savoie

Guy Savoie has held numerous senior management positions within both the financial and business sectors for the past 17 years. Since 1990, he is also a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post-diploma business and marketing programs. Mr. Savoie joined the ORHT/LTB on May 16, 2001 as a Member and was appointed Vice Chair on March 24, 2004.

Jonelle van Delft

Jonelle van Delft graduated from Queen's University with an Honours degree in history, a Special Field Concentration in women's studies and a Bachelor of Laws degree. Before her appointment to the ORHT/LTB, she practiced Clinic Law under the Ontario Legal Aid Plan. Ms. van Delft joined the ORHT/LTB as a Member on November 12, 2004 and was appointed Vice Chair on June 13, 2007.

Board Members

Elizabeth Beckett

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the ORHT/LTB she was a part-time professor of Law at Sheridan College and taught Business Law for Canadian General Accountants. She brings with her experience gained as a Member of the Boards of Inquiry for the Human Rights Commission. Ms Beckett was an ORHT/LTB Vice Chair from April 7, 2004 to April 6, 2007; on April 7, 2007 she resumed her position as a Member of the LTB.

Joseph A. Berkovits

Joseph Berkovits graduated from York University with a Bachelor of Arts (Honours) degree in history and English, and a Masters and Doctorate in history from the University of Toronto. He received a law degree from the University of Toronto, articled at the Ontario Ministry of the Attorney General and in 2004 was called to the Ontario Bar.

Board Members

Louis Bourgon

Louis Bourgon graduated from the University of Ottawa with a Bachelor of Arts and a Bachelor of Laws. He was called to the Ontario bar in 1998. Mr. Bourgon also holds a certificate in Alterative Dispute Resolution from the University of Windsor, Faculty of Law. Before his appointment to the ORHT/LTB, he worked for seven years as legal counsel in the Law Society of Upper Canada's Professional Regulation Division. He also previously served as legal counsel to the Children's Aid Society of Ottawa. Mr. Bourgon has been an invited speaker at law schools and legal conferences on matters of professional responsibility and discipline.

Elizabeth Brown

Elizabeth Brown is an Honours graduate of Humber College in Business Administration. Ms Brown was a small business owner for a number of years before being elected first to City of Etobicoke Council in 1991, where she served two terms, and then to City of Toronto Council in 1998.

Board Members

Enza Buffa

Vicenzina Buffa served as a Customer Relationship Management Reporting Analyst in the private sector for a world-wide call center whose client is primarily Ford Motor Company. Ms Buffa was dedicated to this company for six years where she used her communication and conflict resolution skills on a daily basis with internal and external clients. She is a certified internal ISO (International Organization for Standards) auditor and has also held various positions during her term, such as Workforce Planning and Management and Payroll Administrator.

Kim Bugby

Kim Bugby graduated from the University of Western Ontario with a Bachelor of Arts in psychology as well as from Loyalist College with a Diploma in Developmental Services. Ms Bugby has extensive experience in community and social services for children, youth and adults including social assistance, housing, education and rehabilitative case management. Ms Bugby was also a Community Support Coordinator, providing services to persons diagnosed with a serious mental illness.

Board Members

William Burke

William Burke was employed for more than 17 years in the municipal sector before joining the ORHT/LTB. Mr. Burke was involved in aspects of municipal standards, building inspections and law enforcement during those years. He is a member of the Ontario Association of Property Standards Officers and served on the Board of Directors of that association previously.

Ruth Carey

Ruth Carey holds a Bachelor of Laws degree from the University of Ottawa, as well as a Bachelor of Arts in Women's Studies and a Bachelor of Science in Forestry from the University of Toronto. She was called to the Ontario Bar in 1993. She was the Executive Director of the HIV & AIDS Legal Clinic (Ontario). She has been a member of the boards of directors of a number of community based or charitable organizations including the Northumberland Social Planning Council, Pro Bono Law Ontario, and the Canadian HIV/AIDS Legal Network.

Vincent Ching

Vincent Ching joined the ORHT/LTB after serving for four years as a member of the Social Benefits Tribunal. Prior to that, he held senior positions with the provincial and municipal governments for nearly thirty years. He graduated from the University of Toronto with a Masters in Social Work and more recently with a Masters in Theological Studies. He has extensive volunteer experience in the community, including serving as a board member of the Ontario Trillium Foundation and Agincourt Community Services Association.

Board Members

Brian Cormier

Brian Cormier has a diverse management background attained through a 30-year career at Bell Canada. His last position at Bell was Human Resources Generalist for Ontario Provincial District. His responsibilities included employee development, employee performance review boards, industrial relations support, disability management, and health and safety. Mr. Cormier has studied at Laurentian University, Queen's University Leadership Development and the Bell Institute for Professional Development. Mr. Cormier has been an active community volunteer for over 25 years.

Susan Ellacott *(expired August 20, 2007)*

Susan Ellacott served in the departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. She also completed the Executive Leadership Course at the Canadian Centre for Management Development, and received the Canada 125 Award for contributing to the community and the federal Public Service Distinctive Service Award in recognition of support to the science and technology community.

Board Members

Nancy Fahlgren

Nancy Fahlgren came to the ORHT/LTB with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as Acting Chief Rent Officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Cathryn Forbes

Cathryn Forbes has an extensive adjudication background with the Immigration and Refugee Board and the Ontario Board of Parole. She has received vast specialized training in adjudication and tribunal practices and has a management history within the criminal justice system. Ms Forbes has volunteered actively in her community with various boards and organizations and is a graduate of Sheridan and Mohawk Colleges.

Bittu George *(Part-Time Member)*

Bittu George graduated from Queen's University with a Bachelor of Arts (Honours) in Political Studies, and a Bachelor of Laws. He was called to the Ontario Bar in 2002, and has been in private practice, with a focus on immigration law. Mr. George has also worked at the Ontario Ministry of Transportation and a Kingston law firm in the areas of planning, municipal and real estate law. An active member of the Kingston community for many years, Mr. George has served as a City Councillor and Deputy Mayor.

Board Members

Suparna Ghosh *(Part-Time Member)*

Prior to joining the LTB, Ms Ghosh spent ten years at the Immigration and Refugee Board, two years at the Social Assistance Review Board and six years with the former Rent Review Hearings Board of the Ministry of Housing, as well as Rent Control Programs. Ms Ghosh holds a Masters degree in Mathematics and a Bachelor of Arts (Honours) in mathematics, English and economics from Delhi University in India.

Pearl Gréwal *(Part-Time Member)*

For the past 31 years, Pearl Gréwal has held various roles of increasing and wide ranging responsibility in the Province's various residential tenancies regulatory schemes. From 1998 to 2007, she was a Mediator with the ORHT. From 1992 to 1998, she adjudicated disputes under the *Rent Control Act*. From 1987 to 1992, she adjudicated disputes under the *Residential Rent Regulation Act*. These roles have given her in-depth knowledge of residential tenancy law as well as extensive practical experience with quasi-judicial dispute resolution.

Dan Helsberg

Henry Daniel Helsberg is a self-employed financial consultant. Prior to this, Mr. Helsberg was a real estate salesperson for seven years, selling residential and commercial properties in the Sudbury area. Mr. Helsberg has a Master of Arts, Economics from the University of Guelph and has completed Ph.D. course work in Urban and Regional Planning at the University of Waterloo.

Board Members

Brenna Homeniuk

Brenna Homeniuk graduated from the University of Waterloo with a Bachelor of Science, Bachelor of Arts and a Master of Arts (Psychology) and from the University of Western Ontario with a Bachelor of Laws. She was called to the Ontario Bar in 2002. Before her appointment to the ORHT/LTB, Ms Homeniuk practised in the areas of criminal law, family law, social assistance and landlord-tenant law in south-western Ontario.

Elke Homsi

Elke Homsi is an experienced adjudicator, who served as a member of the Immigration & Refugee Board for over 11 years before being appointed to the ORHT/LTB. Ms Homsi was educated in Germany and immigrated to Canada in the late 60's.

Judy Ireland *(Part-Time Member)*

Judy Ireland received a Bachelor of Arts (Honours) in history and a Master of Arts in education from the University of Toronto. Ms Ireland was a Vice-Chair of the Social Assistance Review Board from 1992-1998 and a member of the Immigration and Refugee Board of Canada from 1998 to 2006. She has been a volunteer for many years in community organizations.

Board Members

Kenneth Jepson

Kenneth Jepson received a Bachelor of Arts (Honours) and Bachelor of Education from the University of Western Ontario. After teaching at the elementary and secondary school levels, Mr. Jepson obtained his law degree from the University of Toronto, Faculty of Law. He practised civil litigation and then served as Associate Counsel to the Chair for the Workplace Safety and Insurance Appeals Tribunal. Mr. Jepson has also been a member of the License Appeal Tribunal. Most recently, Mr. Jepson developed continuing legal education programs for Osgoode Hall Law School.

Linda Joss *(Part-Time Member; expired July 17, 2007)*

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital. Mrs. Joss worked for the Children's Aid Society, and Metro Toronto's Community Service Department. She was a long term member and chair of the Centennial College Social Service Worker Advisory Board. Mrs. Joss' experience in emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

Board Members

Greg Joy

Greg Joy was the Olympic Silver medalist in high jump at the 1976 Montreal Olympic Games. He was Canada's athlete of the year and received the Governor General's Award. In 1978 he broke the world record with a leap of 2.31 metres. He is also a recipient of the Queen's Golden Jubilee Medal for his work in his community. He worked as a sport and fitness consultant for the government of Ontario and as a teacher, and has coached several national and international champion athletes. He was also the Executive Director of the Ottawa Food Bank and was the principle partner of a successful corporate training company. He supported several charities and has been a member of numerous boards. He graduated from the University of Toronto and has a post graduate certificate in financial analysis from the University of Western Ontario.

Caroline King

Caroline A. A. King graduated from Glendon College, York University (bilingual stream) with an Honours degree in Canadian Studies and Political Science, then attained a Bachelor of Laws degree from the University of Western Ontario. Before her appointment to the ORHT/LTB, she practiced law for a number of years, and was active in her local community.

Board Members

Jessica Kowalski

Jessica Kowalski earned a law degree at Osgoode Hall Law School and was called to the Ontario bar in 1996. She practiced family law before leaving Toronto to work overseas. After working in the US, the Caribbean, Central America and Bermuda, Ms Kowalski returned to private practice in Toronto with a focus on civil litigation, including commercial and estates litigation. Prior to her appointment as a Member of the ORHT/LTB, she was legal counsel at the Law Society of Upper Canada.

Claudette Leslie

Claudette Leslie graduated from the University of Toronto with a Bachelor of Arts in English and from Centennial College with a Diploma in Journalism. Ms Leslie is an experienced Communications and Public Relations professional who has worked in various roles including corporate and marketing communications and as a freelance writer. She has been involved in community volunteer work for more than two decades.

Olga Luftig

Olga Luftig graduated from the University of Toronto with a Bachelor of Arts (Honours) in history and political science, and a Bachelor of Education. She attained a Bachelor of Laws degree at the University of Windsor. Before her appointment to the ORHT/LTB, Ms Luftig practised law both as a private practitioner and as the in-house Properties Lawyer for a corporation.

Board Members

Wayne MacKinnon

Wayne MacKinnon attended the University of King's College and Dalhousie University in Halifax, Nova Scotia, where he studied in the faculty of Arts and Science (Social Sciences), and then went on to do graduate work in Boston, Massachusetts. Before his appointment to the ORHT/LTB he worked for many years with the Municipality of Ottawa-Carleton and, after that, with the Government of Canada. Mr. MacKinnon was a Member of the Mayor's Advisory Committee on Visible Minorities in Ottawa and a voluntary Member of Bell Canada's Consumer Advisory Panel. He was also Chair of the Police/Community Relations Committee in Ottawa.

Ina Maher *(Part-Time Member)*

Ina Maher is a graduate of the University of Hong Kong (Bachelor of Arts (Honours), Diploma in Education and Master of Arts). Ms Maher taught for twelve years before joining the Hong Kong Civil Service where she served in various departments until she took early retirement to immigrate to Canada in 1990. Here, she enrolled in Osgoode Hall Law School, obtaining a Bachelor of Laws degree in 1994. Ms Maher worked for several years in the Ministry of Transportation before retiring again and becoming more involved in volunteer work.

Board Members

Ieva Martin

Ieva Martin served as Chair of the Board of Referees, the appeal tribunal for the Employment (formerly Unemployment) Insurance Commission, from 1995 to 2004. Prior to that, she was a small business owner and a member of the Board of the Clarkson Business Improvement Association. Ms Martin was the President of the Latvian Canadian Cultural Centre. She obtained a Bachelor of Arts (Honours) in French and Canadian Studies from the University of Toronto.

Debra Mattina

Debra Mattina is a graduate of Mohawk College in Hamilton (Business Accounting and Medical Radiological Technology) and worked as a medical radiation technologist for 20 years. In 2003, Ms Mattina was awarded the Queen's Golden Jubilee Medal recognizing her volunteer efforts in her community over her lifetime.

Brian McKee

Brian McKee graduated from Algonquin College, School of Business. He has held senior management positions in the private sector over the past 25 years. He also worked as a management consultant to several large corporations and privately owned businesses from 1989 to 2002.

Board Members

Jim McMaster

Jim McMaster has been an active member of his community for over 20 years. He was a Member of the Ajax council for 12 years, where he also served as the Deputy Mayor; he was the Region of Durham Finance Chairman and Budget Chief; and, he was the Vice Chair of the Toronto and Region Conservation Authority.

Alan Mervin *(Part-Time Member)*

Alan Mervin attended York University, obtaining a Bachelor of Arts in sociology, and received a Bachelor of Laws from the University of Windsor. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice.

Beatrice Metzler *(Part-Time Member)*

Beatrice Metzler is a graduate of Lakehead University, specializing in Education. She went on to obtain her accreditation in Association Management. Ms Metzler held the positions of General Manager of the Thunder Bay Chamber of Commerce and then Executive Director of the Thunder Bay area Industrial Training Organization. Following her career in association management, she established her own project management business. She has been an active director on several business, professional and community boards, both locally and provincially. Ms Metzler resigned on September 30, 2007.

Board Members

Christina Budweth Mingay *(Part-Time Member)*

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts and Bachelor of Laws from Queen's University. She was in private practice until 1991 with a focus on civil litigation. From 1991 to 2001, she worked with the Law Society of Upper Canada.

Gerald Naud

Gerald Naud graduated from the University of Ottawa with a degree in civil law. Following graduation, he maintained a private practice prior to taking a position with the Government of Canada in the compliance department of Transport Canada. Mr. Naud was also involved in a successful private business for numerous years. He held the position of Director of Business Development for CCH Canadian Limited, one of Canada's leading publishers.

Lynn Neil *(Part-Time Member)*

Lynn Neil is a graduate of Andrews University and the University of Ottawa with degrees in psychology and criminology. She also has diplomas in Advanced Human Resource Management from the University of Toronto, and Alternative Dispute Resolution from the University of Windsor Law School. Ms Neil worked for 28 years for the Ontario government, during which time she directed a number of large enforcement programs in various ministries. Since her retirement she has been engaged, part-time, in consulting work, specializing in human resource management.

Board Members

Patrice C. Noé *(Part-Time Member)*

Patrice Noé has been called to the bars of the provinces of Ontario and Alberta and the state of New York. She served as Solicitor for Hamilton, York and Edmonton, among her vast experience working with municipalities. She had also been a member of the local property standards committee and the committee of adjustment. Ms Noé has had much community involvement. She was Rule of Law Liaison in Armenia for the American Bar Association and Project Director for IFES in Ukraine. Ms Noé was a full-time Member of the ORHT/LTB up to May 29, 2007; effective May 30, 2007 she became a part-time Member.

John Nolan *(Part-Time Member)*

John Nolan attended McGill University, obtaining a Bachelor of Arts in economics and political science, and received a Bachelor of Civil Laws and a teaching diploma from the University of Ottawa. Mr. Nolan has devoted over 25 years to working with troubled youth.

Babatunde Olokun *(expired November 15, 2007)*

Babatunde M. Olokun graduated from the University of Tuskegee, Alabama with a Bachelor of Science, from the John Marshall Law School, Atlanta, U.S.A with a Doctorate of Law and from the Nigerian Law School with a Bachelor of Laws. He carried on a general law practice in Nigeria from 1986 to 1999 until his appointment to the Nigeria Federal House of Representatives, where he served until 2003. Mr. Olokun was a volunteer Community Legal Worker with the Rexdale Community Legal Clinic until his appointment to the ORHT/LTB.

Board Members

Jean-Paul Pilon

Jean-Paul Pilon is a lawyer and has practised law in Kitchener, Ontario since 1997. He holds a Bachelor of Arts (Honours) in political science and urban studies from Concordia University in Montreal and a law degree from the University of Windsor. He acted as duty counsel at ORHT hearings in Kitchener. He previously taught law as an Adjunct Professor at the University of Waterloo School of Optometry. Mr. Pilon is a member of the Canadian Bar Association and the Waterloo Law Association.

Lloyd Phillipps

Lloyd Phillipps graduated from Carleton University with a Bachelor of Arts in law and from Loyalist College with a Diploma in paralegal studies. He taught business courses at the Community College level. He was employed with the Ontario Ministry of Health, Emergency Health Services Branch, with the Ministry of the Attorney General, where he was a Provincial Prosecutor, and with the Ministry of the Environment. While with the Ministry of the Environment, he was the recipient of awards for Innovation and Environmental Protection.

Board Members

Jana Rozehnal

Jana Rozehnal is a graduate of the Faculty of Law of Jan Evangelista Purkyne (now known as Masaryk University) in Brno, Czech Republic, where she earned a Doctor of Law. Subsequently she graduated from the University of Toronto with a Bachelor of Laws. Prior to her appointment to the ORHT/LTB Ms. Rozehnal was in private practice with focus on family law.

Egya Sangmuah

Egya Sangmuah graduated from the University of Toronto with a Doctorate in history, from the McGill Law School with a Bachelor of Laws, from Osgoode Hall Law School with a Master of Laws and from the University of Ghana with a Bachelor of Arts (Honours). He was a member of the Immigration Appeal Division of the Immigration and Refugee Board (IRB) from 1999 to 2006 and the Convention Refugee Determination Division of the IRB from 1996 to 1998. Prior to joining the IRB, Mr. Sangmuah was Counsel to the Ontario Ministry of Citizenship, Culture and Recreation, as well as a part-time Member of the Liquor Licence Board of Ontario. He was also a Law Clerk to the justices of the Ontario Court of Appeal.

Board Members

Freda Shamatutu

Freda Shamatutu holds a Bachelor of Laws degree from the University of Zambia. She practiced law in Zambia for 20 years before immigrating to Canada. Ms Shamatutu has spent most of her professional career working for various organizations at the senior management level, including as Chief Legal Advisor and Legal Counsel for the Zambian national airline, Board Secretary and Director Support Services for Zambia Revenue Authority and Executive Director for the Advanced Legal Training Institute in Zambia (the Institute trains law graduates in bar admission courses and also provides lawyers with continuing legal education). Before her appointment as a Member to the ORHT/LTB, Ms Shamatutu was employed as office manager for a law firm in Toronto.

Andi Shi

Andi Shi has worked in different areas. He has been a teacher, a researcher in community policing, a business manager, the executive director of a non-profit organization and a multidisciplinary consultant. He has been on the boards of a number of charitable/non-profit organizations as well. Prior to his appointment to the ORHT/LTB, he served as a Member of the Council of the College of Opticians of Ontario. He holds a Bachelor of Science from Eastern China Normal University and a Master of Science degree from the University of Regina.

Board Members

Yasmeen Siddiqui *(Part-Time Member)*

Yasmeen Siddiqui served on the Immigration and Refugee Board from 1996 to 2006 as a Member, Co-ordinating Member and Acting Assistant Deputy Chair. She is a Member of the International Refugee Law Judges Association and a Member of UNHCR's International Roster of Refugee Status Determination Professionals. Ms Siddiqui was also an anti-bias education trainer and consultant. She has a Bachelor of Arts degree from India and has studied mediation and negotiation at the University of Toronto.

Michael G. Soo *(Part-Time Member)*

Michael G. Soo graduated from the University of Victoria with a Bachelor of Arts in history and from the University of Western Ontario with a Bachelor of Laws. Mr. Soo has practiced law in Kitchener since 2002, with a focus on criminal, family and civil litigation. He is also a part-time instructor in law-related continuing education courses at Fanshawe College in London, as well as at Conestoga College in Kitchener.

Board Members

Nina Stanwick

Nina Stanwick has a Bachelor of Laws from the University of Windsor, as well as a Bachelor of Arts (Honours) in mathematics from the University of Guelph and a Bachelor of Education from the University of Toronto. She was called to the Ontario Bar in 1982. She was a Commissioner with the Residential Tenancies Commission, a Member of the Rent Review Hearings Board and a Rent Officer under the Rent Control Program. She was also a Member of the Immigration and Refugee Board prior to joining the ORHT/LTB.

Valarie Steele *(expired July 4, 2007)*

Valarie Steele worked for several years in the financial (stockbrokerage) industry, specializing in the syndication of new issues. An experienced human resources consultant, she owned and operated a placement agency that supplied staff for the office environment primarily in the financial sector. Ms. Steele volunteered extensively in the community for over three decades where she was involved in a number of projects that benefited the community. She is past president of the Jamaican Canadian Association and Chairperson of the Community Police Liaison Committee at Division 13.

Board Members

Gerald Taylor

Gerald Taylor has many years of administrative background, having worked in the banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

Christopher Trueman

Christopher Trueman has been actively involved in both the public and private sectors. In 1994, he was elected as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He is a former member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C.

Board Members

Jeanie Theoharis

Jeanie Theoharis graduated from the University of Toronto having attained a Bachelor of Arts in commerce, economics and actuarial science. She studied law at State University of New York and University of Toronto where she received a Juris Doctorate in Law and a Bachelor of Laws. She is called to the bars of New York and Ontario. Before her appointment to the ORHT/LTB, she practiced commercial litigation, construction lien law and commercial real estate at a firm in downtown Toronto.

Elizabeth Usprich

Elizabeth Usprich attended the University of Western Ontario where she earned a Bachelor of Arts in psychology and a Bachelor of Laws. In addition to practicing as a lawyer, Ms. Usprich has also taught law at the college level. She was actively involved in the London community and has sat on several boards of directors.

Rosa Votta

Rosa Votta has worked in various departments of the provincial government, including Health, Citizenship, Culture (Tourism) and Recreation and several branches of the Ministry of Labour, namely the Health and Safety Branch and most recently the Employment Standards Branch, as an Employment Standards Officer, administering and enforcing the *Employment Standards Act*.

Board Members

Brad J. Wallace

Brad Wallace is a graduate of the University of Western Ontario, with a Bachelor of Arts (Honours) in politics, and the University of Windsor with a Bachelor of Laws. Before his appointment to the ORHT/LTB, Mr. Wallace practised primarily in the areas of insurance defence, plaintiff personal injury, social assistance and landlord-tenant law. Mr. Wallace is a former member of the Board of Directors of the London and Area Food Bank, and a past member of the Board for the London Training Centre.

Karen Wallace

Karen Wallace graduated from Osgoode Hall Law School with a Bachelor of Laws. She articled with the Ministry of the Attorney General. After her call to the Ontario Bar in 1994, Ms. Wallace had her own family law practice in Toronto. From 1998 to 2006 Karen Wallace was employed by Legal Aid Ontario.

Board Members

William Weissglas *(Part-Time Member)*

William Weissglas graduated from Sir George Williams (Concordia) University with a Bachelor of Arts (Honours) in psychology and from Osgoode Hall Law School with a Bachelor of Laws. After his call to the Ontario Bar in 1975, he practiced law in the City of Toronto until 2000. In 2000 Mr. Weissglas earned a Master of Laws Degree in Alternate Dispute Resolution and, in 2002, he was designated a Charter Mediator by the ADR Institute of Canada. Mr. Weissglas has held the position of Senior Legal Counsel to the Real Estate Council of Ontario. He is currently CEO of a mediation firm and is a part-time professor at Seneca College. Mr. Weissglas has also served as Chair of the City of Toronto Licensing Tribunal and is an instructor in the Law Society of Upper Canada's Skills & Professional Responsibility Program.

Mike Welsh

Mike Welsh is a graduate of the University of Waterloo with a Bachelor in Environmental Studies. He was Operations Manager, FedEx Logistics, at the John Deere Welland Works from 1995 to 2004. Mr. Welsh also worked as a transportation consultant and planner. He has also served as: Vice Chairman, Niagara-on-the-Lake Committee of Adjustment; Member, Niagara-on-the-Lake Irrigation Committee; Member, Niagara-on-the-Lake Fence Arbitration Committee; and, Member, Niagara-on-the-Lake Traffic and Parking Committee.

Board Members

Karol Wronecki *(Part-Time Member)*

Dr. Karol Wronecki has degrees in law and public administration from universities in Poland and Canada. After teaching constitutional law at the University of Wroclaw and at York University in Ontario, he joined the Ontario government in 1982. For 24 years, he worked in the administrative justice system as an adjudicator and a civil servant. He adjudicated in and managed programs dealing with rent control and landlord-tenant legislation. Until December 2006 when he retired, Mr. Wronecki was the manager of Central Region of the ORHT.

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